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INFO RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE PRIORITY  
RHEFDIA/DIA WASHINGTON DC  
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001625

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DEPT FOR EAP, EAP/MTS, EAP/MLS, EAP/RSP, EAP/PD, DRL  
NSC FOR D. WALTON

E.O. 12958: DECL: 09/29/2019  
TAGS: [PGOV](#) [KDEM](#) [KPAO](#) [PHUM](#) [ID](#)  
SUBJECT: WITH CIVIL SOCIETY UP IN ARMS, PARLIAMENT  
POSTPONES REVIEW OF DRAFT STATE SECRECY BILL

REF: JAKARTA POL-EAP/MTS 09-16-09 EMAIL

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[11](#). (C) SUMMARY: The President's Office and legislators have postponed for further review a contentious state secrecy bill. The draft bill would control access to documents and information based on national security concerns. Indonesian civil society has criticized the draft, asserting that it brings back the sort of authoritarian measures employed during the Suharto years. The draft will be reviewed by the next Parliament, which will be sworn in on October 1. Given all of the opposition, the draft legislation will likely be amended to protect press freedoms. END SUMMARY.

#### POSTPONING DISCUSSION OF THE DRAFT BILL

[12](#). (SBU) The Indonesian Parliament has decided to postpone its review of a controversial draft state secrecy law. The draft legislation has been reviewed in committee hearings in Parliament for the past several months. The President's Office, which supports the draft, worked with legislators to hold back on moves to pass the draft legislation right away. This comes after an outburst of opposition from civil society, which strongly opposes the measure (see more below).

#### ELEMENTS OF THE DRAFT LEGISLATION

[13](#). (SBU) Under the draft State Secrecy Law, the government would have the right to withhold documents that it believed compromised national security. Any person who released such information could face criminal charges. One version of the draft-- which sparked a sharp burst of opposition--would have mandated the death penalty for serious offenses in this area. Lengthy prison terms and large-scale fines were also mandated in some versions.

[14](#). (SBU) The draft legislation was proposed by Defense Minister Juwono Sudarsono and members of Indonesia's defense and law enforcement community who wanted to make sure that sensitive state information was not released on purpose or inadvertently into the public realm. The GOI was concerned, for example, that information related to sensitive counter-terrorist operations could leak to the media, compromising police operations. The draft is supported by a number of legislators in the current Parliament who agree with Sudarsono that Indonesia needs to strengthen its laws in the national security area.

#### CIVIL SOCIETY EXPRESSES OPPOSITION

[15](#). (C) Indonesian civil society has expressed deep reservations about the draft bill. Press freedom and human

rights advocates have asserted that the current draft was too broadly written and would give the government too much power to monitor what citizens said and what sort of information they consumed or wanted to publish. There were also complaints about the criminal penalties attached, which were seen as "exorbitant" for the alleged crimes involved.

¶16. (C) There was a cacophony of critics. Among other groups, Indonesia's Press Council complained, publicly asserting that the draft bill could work to circumscribe press freedoms and "harm public discourse." Echoing these points, Djoko Susilo, an M.P. and former journalist, told Pol/C on September 28 that he could not support a draft bill that "brought back memories of the Suharto years when press freedom and other freedoms were heavily circumscribed." He added that the GOI's decision to postpone a review of the draft bill was positive -- "a decision to try to force passage during the short life of the current Parliament would have been extremely difficult to defend."

#### NEXT STEPS

¶17. (C) The draft will be reviewed by the next Parliament which will be sworn in on October 1. In light of all the opposition, the draft will likely be heavily amended in order to protect press freedoms. The case of the draft legislation is another reminder of how allergic many Indonesians are about the Suharto period and to any sign that the government is trying to increase its powers. The situation also places a spotlight on the influence of Indonesian civil society, which is a strong force in political and social life in the post-Suharto years.

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¶18. (C) All that said, given laws on the books that protect press freedom plus freedom of expression and information more generally, national security advocates do have a point that sensitive national security-type information should have some protections. Examining all the angles, the President's Office--sensibly and in consummate Javanese style--seems to want a compromise product that can be supported by most parties even if such a bill takes time to gain passage through Parliament.

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